

## **Resolution to Support Assembly Constitutional Amendment 5 (ACA 5)**

WHEREAS voters voted to approve Proposition 8 which recognizes marriage as a union between one man and a woman, codifying the Proposition into the Constitution of the State of California.

WHEREAS a federal court ruled Proposition 8 unconstitutional in *Perry v. Schwarzenegger*, striking down Proposition 8 as it violates the due process clause and the equal protection clause of the 14th Amendment in the Constitution of the United States, resulting in the legalization of same-sex marriages in the State of California.

WHEREAS the Constitution of the State of California includes outdated and bigoted language, despite the legalization of same-sex marriages in the United States after the U.S. Supreme Court case decision in *Obergefell v. Hodges*.

WHEREAS Assemblymember Evan Low (D-26) introduced Assembly Constitutional Amendment 5 in the California State Assembly to codify same-sex marriage into the Constitution of the State of California to prevent discrimination in the case of the repealment of *Obergefell v. Hodges*. The Amendment reads as follows:

**SEC. 7.5.** (a) The right to marry is a fundamental right.

(b) This section is in furtherance of both of the following:

- (1) The inalienable rights to enjoy life and liberty and to pursue and obtain safety, happiness, and privacy guaranteed by Section 1.
- (2) The rights to due process and equal protection guaranteed by Section 7.

NOW THEREFORE BE IT RESOLVED that the Santa Clara County Democratic Party endorses ACA 5, recognizing the imperative nature of fostering a society built on equality, justice, and acceptance.

BE IT FURTHER RESOLVED that the Santa Clara County Democratic Party urges local elected officials and well as constituents to endorse and vote to approve this Constitutional Amendment for the State of California.

Submitted by Anushka Tadikonda and Isaac Ríos.